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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/754,566

Applicant(s)

CAMPILLO TERRERO ET AL.

Examiner

Joshua D. Schneider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/19/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 15 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments filed 5/19/2007 have been fully considered but they are not persuasive. With regards to claims 8 and 14, applicant's arguments do not distinguish between what is taught in the rejection and what is claimed. Applicant appears to argue that the teaching of I/O ports does not correspond to the management ports. Applicant suggests that these ports do not correspond, but fails in any way to explain what distinguishes the two ports. The definition of the function of a management port is found in paragraph 3 of the specification

[0003] A great number of active devices come with a management and/or programming port, in addition to input/output ports of normal operation, which allow the device to be managed remotely from a computer or network. These management ports allow system operations to manage the devices by communicating with the device via a communications protocol with an assigned physical port. For example, the active device can be connected to a computer as illustrated in Figure 1.

4. The functions described here will be given to the interpretation of the claims. The claims are then read to have no differentiated function. As the I/O ports of the reference and the management ports of the claimed invention perform the same functions and are therefore found

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to be equivalent and indistinguishable. Applicants citation of a definition from PC Mag website is neither dated to the time of invention nor applicable when the term is defined in the specification. The definition from the specification will be used and the rejection is maintained.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated Belkin's 4x4 USB Peripheral Switch User Manual F1U400 (Belkin).

7. With regards to claim 1, Belkin teaches instructing the concentrator device to select at least of the active device to manage (switching by selection of device to manage, page 16), establishing a link between the communication port (computer ports, page 4) of the concentrator device (peripheral switch, page 4) and the management port (USB device ports, page 4) of the concentrator device associated with the at least of selected active device (selection of device establishes link, page 16), and communicating with the at least of selected active device from the computer (communication after selection, page 16).

8. With regards to claim 2, Belkin teaches instructing the concentrator device to select at least of the active devices to manage comprises manually activating a switch associated with the management port with which the desired active device is connected (switching by manual push buttons, page 18).

9. With regards to claim 3, Belkin teaches instructing the concentrator device to select at least of the active devices to manage comprises: selecting the desired active device through a user interface on the computer (switching by dragging of device to manage, page 16); and sending a signal to the concentrator device indicating the selected active device (inherent to control of device, page 16, see also courtesy alert page 17).

10. With regards to claim 4, Belkin teaches receiving a signal to operate the concentrator device in simultaneous mode (selection of multiple devices to manage, page 16); and establishing a simultaneous link between the communications port of the concentrator device and each of the selected management ports of the concentrator device (use after selection of multiple devices to manage, page 16).

11. With regards to claim 5, Belkin teaches manually activating a switch associated with the simultaneous mode (switching by use of multiple manual push buttons, page 18).

12. With regards to claim 6, Belkin teaches the plurality of management ports support the same protocol (USB device ports, page 4).

13. With regards to claim 15, Belkin teaches sending signals to a concentrator device (switching by selection of device to manage, page 16), receive signals from the concentrator device (courtesy alert, page 17), receive an indication of one or more active devices to be managed (courtesy alert shows devices being managed, page 17), and wherein at least one of the signals sent to the concentrator device indicates one or more active devices to be managed (switching by selection of device to manage, page 16).

14. With regards to claim 16, Belkin teaches at least one of the signals received from the concentrator device provided information regarding establishment of a link between a

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communication port and a manage port of the concentrator device (courtesy alert shows devices being managed, page 17).

15. With regards to claim 17, Belkin teaches at least one of the signals received from the concentrator device initiated in one of a plurality of active devices connected to the concentrator device (inherent to USB, could be interrupt signals or status (stall or wakeup) signals).

16. With regards to claim 18, Fleming teaches at least one of the signals sent to the concentrator device is passed to one or more of a plurality of active devices connected to the concentrator device (inherent to use of selected active devices).

17. Claims 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 6,286,060 to DiGiorgio et al.

18. With regards to claim 8, DiGiorgio teaches at least one communication port that is configured to be connected to a communication port of a computer (column 3, lines 30-48, column 4, lines 8-22, Fig. 8, element 804); a plurality of management ports that are each configured to be connected to a management port of a respective one of the active devices (column 5, lines 22-53, Fig. 8, element 806A-D); a switch for selectively connecting the at least one communication port to a selected one of the plurality of management ports (column 7, lines 37-51, Fig. 8, element 804 by way of controller); and a microprocessor configured to establish a link between the communication port and at least one selected management port (firmware is executed by the controller, column 12, lines 45-66, Fig. 8, element 804, controller).

19. With regards to claim 9, DiGiorgio teaches the switch control is configured to receive an external signal indicating the selected management port (column 7, lines 36-50).

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20. With regards to claim 10, DiGiorgio teaches the switch control is configured to receive an internal signal indicating the selected management port (column 7, lines 36-50), wherein the internal signal is generated based on the activation of one of said plurality of switches (column 7, line 36, through column 8, line 10).

21. With regards to claim 11, DiGiorgio teaches the switch control is configured to establish a simultaneous link between the communication port and two or more of the plurality of management ports (manual switching in column 3, lines 30-48, and simultaneous transfer, column 7, line 36, through column 8, line 10).

22. With regards to claim 12, DiGiorgio teaches the plurality of management ports support the same protocol (port types are interchangeable, column 5, lines 22-53).

23. With regards to claim 13, DiGiorgio teaches the communication port and the plurality of management ports support different protocols (various protocols, column 5, lines 22-53).

24. With regards to claim 14, DiGiorgio teaches a concentrator device (Fig. 4, element 410), the concentrator device comprising at least one communication port (Fig. 8, element 804, Fig. 9, element 900, host interface), a microprocessor (Figs. 8 and 9, element 804, controller), and a plurality of management ports wherein each of the management ports is configured to be connected to a respective one of the active devices (Fig. 8, element 806A-D); a computer comprising a user interface configured to receive an indication of which of the active devices is selected to be managed (Fig. 8, element 100, 800, 801, or Fig 4, host computing device, column 7, line 36, through column 8, line 10) ; and send a signal to the communication port of the concentrator device indicating the active device selected to be managed (Fig. 6A-B, steps 601, 602, 606, and 607); wherein the microprocessor is configured to: receive an external signal from

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the computer indicating the selected active device (column 12, lines 47-54); and establish a link between the communication port and the management port associated with the selected active device (column 12, lines 64-66).

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belkin's 4x4 USB Peripheral Switch User Manual F1U400 (Belkin) in further view of U.S. Patent 7,039,731 to Hasegawa.

27. With regards to claim 7, Belkin fails to teach, but Hasegawa teaches the communication port of the concentrator device and the plurality of management ports support different protocols (Fig. 9). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the multiple protocols of Hasegawa with the USB hub of Belkin in order to expand the number of devices compatible with the peripheral switch.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Microsoft Computer Dictionary teaches that AB switches used to connect a computer to one of multiple peripherals were well known in the art before the time of invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M, T, Th, and F, 9-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDS



KIM HUYNH
SUPERVISORY PATENT EXAMINER

6/8/07